

Regular Session, 2012

SENATE BILL NO. 614

BY SENATOR ADLEY

MILITARY AFFAIRS. Provides relative to need-based claims requirements as determined by the Louisiana Military Family Assistance Board. (8/1/12)

1 AN ACT

2 To amend and reenact R.S. 46:123(D)(1)(c)(iii) and (vi), relative to the Louisiana Military
3 Family Assistance Board; to provide relative to requirements for need-based claims;
4 and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 46:123(D)(1)(c)(iii) and (vi) are hereby amended and reenacted to
7 read as follows:

8 §123. Louisiana Military Family Assistance Board

9 * * *

10 D.(1) The board shall meet as necessary to review claims adjudicated by the
11 third party administrator and make the following determinations:

12 * * *

13 (c) That all awards are need-based. Claims may be considered need-based if
14 all of the following apply:

15 * * *

16 (iii) The undue hardship can be directly **or indirectly** related to the activation
17 of the military person.

* * *

(vi) ~~The Louisiana Military Family Assistance Fund is in fact the family member's last resort.~~ **The Applicant or the family member has made reasonable attempts to secure alternative funding through another program.**

* * *

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Heyward Jeffers.

DIGEST

Present law provides that the Louisiana Military Family Assistance Board determine eligibility for need-based claims based on certain requirements.

Present law provides that the board shall meet as necessary to review all claims adjudicated by the third party administrator and make the following determinations:

1. That all awards are made on behalf of activated military personnel.
2. That all awards are made pursuant to a claim by family members of activated military personnel, or by the activated military person himself.
3. That all awards are need-based.

Proposed law retains present law.

Present law provides that claims may be considered need-based if all of the following apply:

1. Funds are requested for necessary expenses incurred, or to be incurred.
2. The necessary expenses created, or will create, an undue hardship on the family member.
3. The undue hardship can be directly related to the activation of the military person.
4. Payment of the claim by the fund does not supplant other available public or private funds.
5. The Louisiana Military Family Assistance Fund is in fact the family member's last resort.

Proposed law retains present law and adds that the undue hardship can also be indirectly related to the activation of the military person.

Proposed law requires the applicant or the family member to make reasonable attempts to secure alternative funding through another program.

Effective August 1, 2012.

(Amends R.S. 46:123(D)(1)(c)(iii) and (vi))